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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 000060

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TAGS: PGOV PHUM PREL OSCE TU

SUBJECT: TURKEY: LAWYERS PREPARING TO PROBE MALATYA MURDERS

DEFENDANTS' LINKS TO STATE OFFICIALS

REF: 07 ANKARA 2837

Classified By: Political Counselor Janice G. Weiner, reasons 1.4 (b), (d)  
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¶1. (C) Summary: Attorneys for the families of victims of the April 2007 triple murder of Christian bookstore workers in Malatya (reftel) will have their first chance to question the five defendants when the trial continues on Monday, January 14. They plan to press the suspects to explain telephone records linking that appear to link some defendants to a police officer, public prosecutor, military officer, and far-right Nationalist Action Party (MHP) members. Many here see the high-profile Malatya case, along with the ongoing Hrant Dink murder trial, as a test case for the transparency and credibility of Turkey's staunchly statist judiciary. End summary.

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Attorneys to Probe Possible Links to State Officials  
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¶2. (C) Attorneys for the murder victims' families will have their first chance to question the five defendants regarding their involvement in the April 2007 triple murder of three Christian bookstore workers in Turkey's southeastern city of Malatya. The court had granted the defense an extension at the trial's November 23 opening session. Lead attorney Orhan Kemal Cengiz told us he plans to explore possible links between the defendants and outside actors. Documents in the prosecutor's file indicate that in the six months preceding the murders, four of the suspects used new or different cellular telephones a total of 106 times. Phone records show some defendants contacted a local MHP council member, an Ankara Special Police Unit officer, a public prosecutor, and a member of the military. Cengiz alleges these facts indicate the youths received backing from outside actors.

¶3. (C) Oya Aydin, another victims' attorney, said the prosecutor displayed "obvious bias" by not following up on these leads during his investigation. Instead, the prosecution "buried the information in their files." Prosecutors also failed to probe chief suspect Emre Gunaydin's own professed links to the MHP's youth wing. Because the victims' legal team does not have enough concrete evidence to convince the court to reopen the investigation, they plan vigorously to question the defendants in hopes one will "sing," Aydin explained.

¶4. (C) Cengiz acknowledged they face an uphill battle. He suspects the defendants are being pressured during jail visits to reveal little, and claims the three-judge panel displayed bias toward the victims' families' attorneys, denying their motion to exclude the prosecution's detailed information on the victims' alleged (legal) missionary activities. Given the judiciary's lack of training and experience with Turkey's new, expanded criminal procedure laws, Cengiz predicted the panel might restrict the scope of his teams' examination of defendants. The court, which granted the defense a six-week extension at the November 23 opening session, is likely to grant another extended break prior to the next session.

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Ultranationalists' Attempts to Create "Noise"  
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¶5. (C) Cengiz and Aydin expect an ultranationalist defense team will try to sidetrack the court by raising numerous objections and discussing fraudulent documents. Cengiz cited an anonymous letter sent to the court last week, accusing Cengiz of plotting with American Protestants to orchestrate the murders of rival German Protestants; he suspects the defense lawyers are behind the letter. Extremely tight security is likely to prevent physical violence but could not silence the "noise" created by these "extremist attorneys."

¶6. (C) Comment: The attorneys' claims have disturbing parallels with the ongoing Hrant Dink assassination trial. Information in both cases suggests some of the accused may have had links with state law enforcement, raising questions about possible racist and religious prejudices within that

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sector. Turkey's staunchly statist judiciary is as much on trial as the defendants: These two high-profile cases are a litmus test of the judiciary's credibility. End comment.

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